

Remarks

This communication is responsive to the Final Office Action of September 30, 2008. Reexamination and reconsideration of the remaining claims is respectfully requested.

Summary of The Office Action

Claim 1 was objected to because of informalities. The Office Action indicated that the limitation of "in which the reference monitor executes the at least one parameter" should be changed to "in which the reference monitor executes, the at least one parameter". Claim 1 has been amended in other manners that resolve the informality.

Claims 1, 5-21, 25-41, 45-60, 81 and 85-98 were rejected under 35 USC 102(b) as being anticipated by Carter et al. (US 2003/0051026) (hereinafter Carter). Claims 5, 21-40, 45, and 81-98 have been cancelled. Arguments concerning the remaining claims are provided below.

Response

The Claims Patentably Distinguish Over the References of Record

35 U.S.C. §102

Claims 1, 5-21, 25-41, 45-60, 81 and 85-98 were rejected under 35 USC 102(b) as being anticipated by Carter. For a 35 U.S.C. §102 reference to anticipate a claim, the reference must teach each and every element of the claim. Section 2131 of the MPEP recites:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Here, the reference does not anticipate the two remaining independent claims because the reference fails to set forth controlling the reference monitor simulator to run faster than an actual reference monitor as claimed and described.

Page 2 of the Office Action recites that “the actual passage of time” is not defined in the claims. The Office Action then recites that the “Examiner does not know what Applicants mean by that limitation.” Therefore, claims 1 and 41 have been amended, in accordance with the specification, to more particularly point out the temporal limitations associated with “the passage of time”.

Original claims 1 through 5 described elements and limitations that “enabled the computer system to execute the reference monitor simulator in an accelerated manner.” How this is accomplished is described in the specification on at least page 7. For example, page 7 reads, on lines 17-20, “to accomplish non-temporal execution, trace requests are provided to the simulator with an indication of the time of original execution (e.g., the requests may be time-

stamped). When re-executed by the simulator, the period between the execution of requests may be eliminated or otherwise modified." This passage indicates that it is possible to make the simulator run "faster" than a real monitor by eliminating gaps between events but keeping events in order based on time stamps.

The application as originally filed also reads, on page 7, line 26 to page 8, line 1: "... a trace request may require that a specific period elapse after an initial portion is executed before a subsequent portion can be executed. A timer event inserted into trace data may provide the indication that such a period has elapsed, thereby alleviating the need for the period to actually elapse before the subsequent portion is processed. In this manner, the simulator's re-processing of trace requests may be driven by events rather than time, potentially making the evaluation of security policy a much less time-consuming exercise." Thus, another method for making the simulator run faster than the real monitor is presented. These methods have been incorporated into claim 1.

The Office Action reports, on page 3, that "since the passage of time by the time parameter in Carter reference can be changed by a system call, therefore the time parameter is faster than the actual passage of time." This statement is incorrect and practically irrelevant because Carter does not mention a time parameter, but rather describes manipulating a priority value.

Paragraphs 590, 595, and 599, which are relied on by the Office Action as teaching the claim element, concern priorities for real-time processes. Priorities control the order in which processes are given access to resources (e.g., cpu, memory), not time compression. These paragraphs also describe how a system call can change a priority value (e.g., nice value) for a process to raise or lower its priority. Raising or lowering a process priority only affects the percent likelihood that a process will acquire a resource. Even if the priority were raised

so high that the process was always chosen first and was able to run continuously, the process would still only run in real time. Furthermore, while running in real time the time gaps would still be time gaps and the periods of time between events would still be periods of time between events. Changing the priority of a process that handles a trace request has no effect on the periods of time between the events associated with the trace requests.

The original claims 1-5 describe how the simulator can be run faster than an actual monitor on a computing system. The simulator can run faster because time gaps between events can be eliminated, because periods of time can be made to appear to have lapsed, and because a system clock can be manipulated. The reference describes none of these actions. The reference is completely unrelated to the claimed eliminations and therefore to the claimed improved performance.

For at least this reason the remaining independent claims are not anticipated and are in condition for allowance. Accordingly, all the dependent claims are similarly not anticipated and are in condition for allowance.

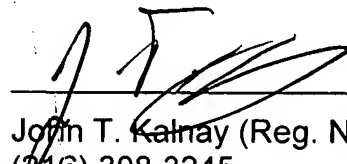
Application No. 10/822,069
Filing Date: 04/09/2004
Attorney Docket No. 368605

Applicant(s): KRAEMER, et al.
Examiner: TRANG DOAN
Group Art Unit: 2131

Conclusion

For the reasons set forth above, the remaining claims are now in condition for allowance. An early allowance of the claims is earnestly solicited.

Respectfully submitted,



John T. Kalnay (Reg. No. 46,816)
(216) 308-3245
(216) 503-5401 (fax)
Kraguljac & Kalnay, LLC
Summit One, Suite 510
4700 Rockside Road.
Independence, OH 44131